

577

Notice of Allowability

Application No.

10/615,259

Applicant(s)

GHYSELEN ET AL.

Examiner

Thao P. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/22/05.
2. ☒ The allowed claim(s) is/are 1,3-9,11,14-29,35 and 45.
3. ☒ The drawings filed on 09 July 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☒ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 1 page
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


 David Nelms
 Supervisory Patent Examiner
 Technology Center 2800

DETAILED ACTION

Response to Amendment

1. This Office Action is in response to Amendments and remarks filed on 12/22/04 and election filed on 04/11/05.

Claims 1, 27, 30, 32 have been amended.

Claims 45-48 have been newly added.

Claims 36-44 have been withdrawn from consideration and have been cancelled without prejudice.

Remark of Applicants on the previous rejection has been considered.

Examiner confirmed that applicant's election of claims 1, 3-9, 11, 14-29, 35, 45 with traverse on 04/11/05 in response to the restriction requirement. The traversal on the ground that "there is no undue burden in continuing to examine all the claims" is not found persuasive. The claims have been amended, and these claims require further search and examination. The recently submitted list of claims indicates clearly two different groups/species. The methods, the claimed limitations cited in two groups are given weight differently in determining the patentability of claim invention, thus, separate search are required.

Examiner's Amendment.

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided

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by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Cancel non-elected Claims 30-34, 46-48.

Amend claims 1, 35 as follow:

In claim 1, line 17, "marching" should be changed to --- matching---

In claim 35, line 13, "marching" should be changed to --- matching---

Authorization for the examiner's amendment above was given in a telephone interview with Attorney Bradley Gould at 202-282-5771 on 04/22/05.

Priority

3. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in FRANCE on 07/09/2002. It is noted, however, that applicant has not filed a certified copy of the FRANCE 0208602 application as required by 35 U.S.C. 119(b).

Reason for allowance

4. **Claims 1, 3-9, 11, 14-29, 35, 45 are allowed.** The following is an examiner's statement of reason for allowance: None of the references of record teaches or suggests the claimed limitations having a method of preparing a semiconductor substrate comprises, among other limitations cited in independent claims 1 and 35, providing a matching layer having a first lattice parameter on a first surface and a second lattice parameter that is different from the first lattice parameter, growing on the

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first surface of the matching layer a first strained layer, transferring the first strained layer from the matching layer to a receiving substrate by spitting the matching layer wherein the receiving substrate includes a retained portion of the matching layer on the first strained layer, and smoothing roughness from the retained portion of the matching layer.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thao P. Le whose telephone number is 571-272-1785. The examiner can normally be reached on M-T (7-6).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Nelms can be reached on 571-272-1787. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thao P. Le
Examiner
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04/22/05